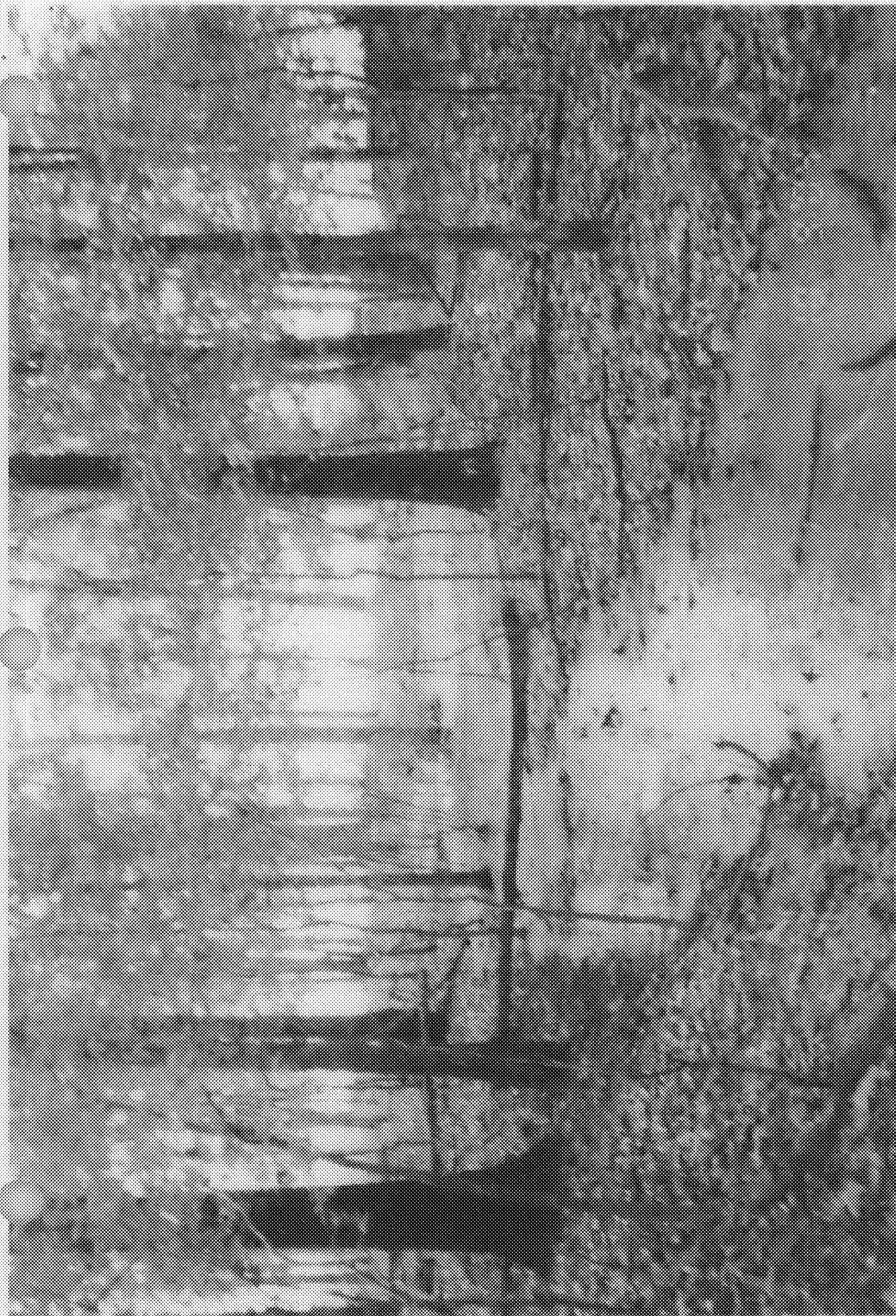


looking From pond
up to BARNs.

OKDA0007805



OKDA0007806

Mud running From
Pond.

Pond opening AT Top



OKDA0007814

ask to spot Too left
is complainant House

center. is pond

August 31, 2001

Ms. Michelle Sutton, Administrator of Poultry Programs
Water Quality Services
Oklahoma Department of Agriculture
P.O. Box 528804
Oklahoma City, OK 73105-9964

Re: Sam Chandler
Rt.3 Box 1380
Stilwell, OK 74960

RECEIVED

SEP 04 2001

Water Quality
STATE DEPT. OF AGRICULTURE

Dear Ms. Sutton:

On Wednesday, August 22, 2001 at 12:50 you and I visited the poultry operation of Mr. Sam Chandler. This letter is in response to your request regarding that visit. Mr. Chandler is a contract grower with Tyson who owns two (2) two-house broiler operations northwest of Baron, Oklahoma in Adair County. One is located in Section 19 Township 17N Range 25E. The other is located in Section 21 Township 17N Range 25E. (See **Attachment #1**) Mr. Chandler was not present during this inspection.

On January 22, 2001 I conducted an annual inspection of Mr. Chandler's operations and noted that litter was stacked outside the two chicken houses in Section 19. (See **Attachment #2**) Mr. Chandler informed me that he had recently cleaned out these two houses and had plans to immediately cover the litter with a tarp to protect the litter from drainage. The litter was stacked at the southeast corner of the chicken houses on a slight slope that drains south toward a ravine approximately 100 yards away. I suggested to Mr. Chandler that he should contact the Natural Resources Conservation Service (NRCS) in Stilwell, Oklahoma and get assistance from them in regard to constructing a litter shed.

I have spoken with Mr. Chandler a couple of times since the annual inspection. It is my understanding that Mr. Chandler is slated to construct a litter stackhouse under the Oklahoma Department of Agriculture's Stackhouse Program. Prior to the August 22, 2001 visit, my most recent visit to Mr. Chandler's farm was on July 26, 2001. I was accompanied by Mr. David Berry, ODA AWMP Assessor, and mentioned to Mr. Chandler's employee, James Deckard, that he remind Mr. Chandler about covering or spreading his litter. Mr. Deckard is the overseer of Mr. Chandler's other broiler operation. It appeared that some of the litter on the ground observed during this inspection had been placed there at that same location since the January 2001 inspection.

During our August 22, 2001 inspection of the operation in Section 19 we found that litter was still stacked on the ground in the same location. I spoke with Mr. Chandler's employee that oversees that operation about removing or covering the stacked litter. At the time of the August 22, 2001 investigation the temperature was 91 degrees Fahrenheit, the wind was from the south at two (2) miles per hour (light breeze), it was mostly sunny and humid.

OKDA0002317

Page 2

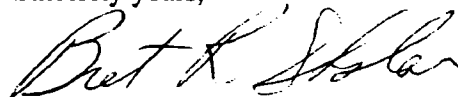
Sam Chandler
August 31, 2001

On August 30, 2001 at 12:15 I returned to Mr. Chandler's operations to see if the litter had been removed. It appeared that the majority of the litter that was on the ground on July 26, 2001 and August 22, 2001 at the operation in Section 19 was still on the ground. (See Attachments #3 and #4) At the time of this inspection the temperature was 81 degrees Fahrenheit, the wind was from the south at four (4) miles per hour (light breeze) it was mostly cloudy and humid.

I next went to Mr. Chandler's operation in Section 21 and was informed by Mr. Deckard that the two (2) houses there had been caked out the previous day. The litter was stacked on the ground east of the chicken houses. (See Attachment #5) He said hat Mr. Chandler had plans to immediately spread the litter but that they were having mechanical problems with the litter spreader. During our visit on August 22, 2001 there were only traces of piles of litter that had been on the ground.

In conclusion, Mr. Chandler needs to be reminded about the rules and regulations regarding stacking of poultry litter. If you have any questions please contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bret R. Sholar". The signature is fluid and cursive, with the first name "Bret" being more prominent.

Bret R. Sholar
Poultry Inspector

OKDA0002319

Registered Poultry Feeding Operations Checklist

Attachment #2

Producer:

Sam Chandler

Date:

January 22, 2001

6. Education:
 Initial 9 hours: Yes X If so, how many completed: 9 No
 Initial Year: 1998
 Recertification hours (3) Yes If so, how many completed: No X
7. Complaints:
 Have there been any complaints this calendar year? Yes No X
 If yes, have these been resolved? Yes No
8. Is the AWMP being followed by this operation? Yes X No
9. Inspector's Comments/Observations:

No education hours have been taken since the original 9 hours.

Litter is stacked outside the chicken houses. Mr. Chandler plans on immediately covering the litter with a tarp and protecting the litter from damage.

Litter and soil tests need to be taken annually. A litter test is taken prior to litter removal each calendar year. A soil test is taken prior to litter application each calendar year.

Bret R. Skoler

Inspector's Name

Bret R. Skoler

Inspector's Signature

Sam Chandler

Producer's Signature

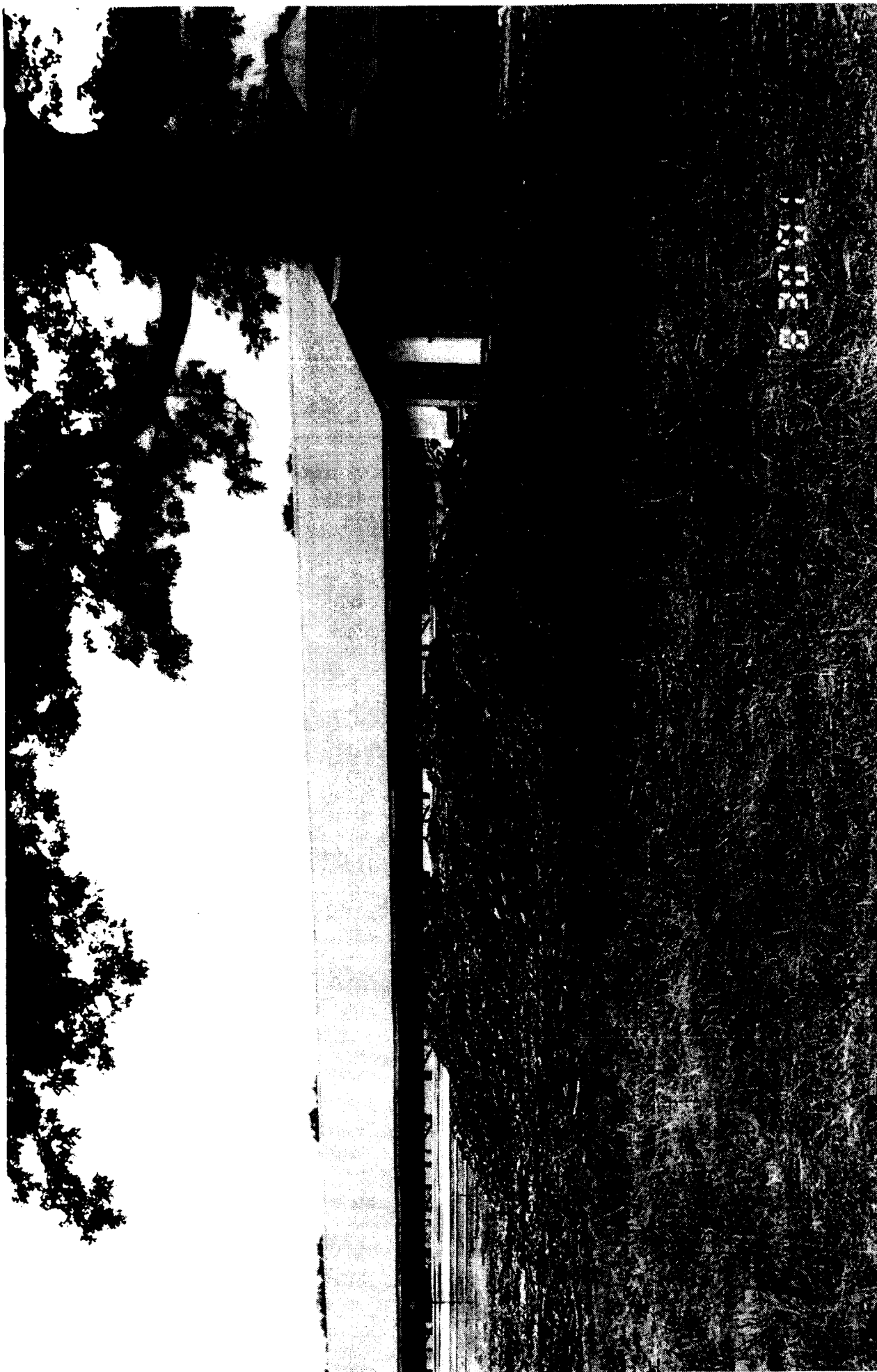
PAGE 3 of 3

ORIGINAL - OFFICE

YELLOW - INSPECTOR

PINK - GROWER

OKDA0002321



OKDA0002322

Attachment #3

- stacked poultry litter - 519 T17W R256

- Sam Chandler

- 12:20 - August 30, 2001



8 30 00

OKDA0002326

Attachment #5

- Stacked poultry litter - 521 T17N R25E

- Sam Chandler

- 12:50 - August 30, 2001

WQ Form 10
3/98Oklahoma Department of Agriculture
Water Quality Services6/17/04
RECEIVED

JUN 23 2004

WATER QUALITY
STATE DEPT. OF AGRICULTURE**INVESTIGATION REPORT**

1. a. INITIAL () 2. CASE NUMBER: WQC-04-237
- b. SUPPLEMENTAL ()
3. COMPLAINANT GARY Ahrens 4. AGAINST Perry Williams
ADDRESS PO BOX 765 ADDRESS PO BOX 177
5. Narrative: Siloam Springs, Ark. 72761 Siloam Springs, Ark. 72761
479/524-5767 Hm 479/957-4780 cell
479/524-2123 Hm

I spoke with Mr. Ahrens over the phone on 6/17/04. He is alleging that Mr. Williams is applying chicken litter on his farm in OKLA near the Illinois River, and that no soil samples were taken, and that Mr. Williams has no applicator license.

Upon meeting Mr. Williams at his farm on this complaint he said he didn't have soil samples for this land application site, but would pull them and send to OSU ext for be analyzed. It had been 3 mths since litter was applied so I couldn't tell how close to the river that the litter was spread. I instructed Mr. Williams for future application that I recommend staying back at least 100' foot from the bank of the river. As far as having a license to spread Mr. Williams was working with John Littlefield from a previous complaint to obtain them. I will do a follow up on the soil test in 3 weeks so to give time to get soil test results back.

Inspector

David J. Berry

OKDA0042269

05/15/2004 07:30 405-522-6357

WATER QUALITY SERV

PAGE 01/02

WQ200101
Rev. 11/01

fax 918/479-8357

RECEIVED

JUN 23 2004

OKLAHOMA DEPARTMENT OF AGRICULTURE
WATER QUALITY SERVICES
COMPLAINT STATEMENTWATER QUALITY
STATE DEPT. OF AGRICULTUREDate Received: 6-16-04Complaint No: WQC-04-237Time Received: 7:15amInspector: DAVID BERRYReceived by: D.J. PARRISH1. Name of Complainant: GARY ARENSAddress: P.O. Box 265City, State, Zip: Siloam Springs, AR. 72761

Driving Directions to Complainant's address:

w. Fe's call Phone: 479/215-7253 Home: 479 524-5767

Best time to call:

2. Complaint is against: PERRY WilliamsonAddress: 2612 ElmCity, State, Zip: Siloam Springs, AR 72761Phone: 479/524-2123 (home)His BUSINESS IS:Asw Ready Mix
W. Siloam Springs
918/422-5116Driving Directions: FROM Siloam Springs go W on 412 to Mosley Rd.turn South on Mosley Rd + go 1 1/2 mi. to T. turn E + go 1 to 1 1/2 mi. + Y + turn W
and property starts on South side + go 1/2 mi. - when you apply's poultry waste.COUNTY ADAIR Legal 1/4 1/4 1/4 1/4 Sec T R

3. Describe details of complaint:

① Applying chicken waste on land adjacent to the
Ellindis River (too close to River).② No soil samples and waste samples obtained.
He loads poultry waste in a dump truck &
gives it from George Poultry.③ "P. Williamson does not have an applicator's license (P. + R.)PP assigned to D. Berry on 6-16-04Mail to: Water Quality Services
Department of Agriculture

OKDA0042273



State of Oklahoma
Department of Agriculture, Food, and Forestry

2800 N. Lincoln Blvd., P.O. Box 528804, Oklahoma City, OK 73152 (405) 521-3864
www.oda.state.ok.us

Brad Henry
Governor

Terry L. Peach
Secretary and Commissioner

June 23, 2004

PERRY WILLIAMS
A&W READY MIX
2612 S. ELM
SILOAM SPRINGS, AR 72761

Re: Complaint # WQC-04-238
Allegations of improper carcass disposal.

Dear PERRY WILLIAMS
A&W READY MIX:

The Oklahoma Department of Agriculture, Food and Forestry, Water Quality Services, has received the inspector's report regarding the above listed complaint. This complaint is being closed because the required ODAFF corrective action has been completed.

Should you have any questions, or if I may be of further assistance in this or any other matter, please contact me at 405/522-4659 or at the address above.

Respectfully,

A handwritten signature in black ink, appearing to read "D. J. Parrish".

D. J. Parrish, Director
Water Quality Services Division

c: David Berry, Inspector

ODAFF-WQS COMPLAINT STATEMENT

DATE RECEIVED: 6/16/04

Time Received 7:15 AM

Received By D J PARRISH

COMPLAINANT GARY AHRENS

COMPLAINT NUMBER WQC-04-237

INSPECTOR David Berry

COUNTY ADAIR

AGAINST PERRY WILLIAMS *on DP*
(A&W READY MIX)

Address PO BOX 765

City SILOAM SPRINGS **State** AR

Zip 72761

Phone 4795245767

CP Directions

CA_Address 2612 S ELM

City SILOAM SPRINGS **State** AR

Zip 72761

Phone 4795242123

RP Directions: From Siloam Springs, go W on 412 to Mosley Rd., turn S on Mosley Rd and go 1 1/2 M to T - turn E and go 1 to 1 1/1 M to Y and turn W and property starts on S side and goes for 1 M where he applies waste.

FACILITY No

TYPE Poultry Waste

EPA #

Complaint Details Applying chicken waste on land adjacent to the Illinois River. No soil samples and waste samples obtained. He hauls poultry waste in a dump truck and gets it from George's Poultry.

OKDA0042283



Frank Keating
Governor

Mary Fallin
Lt. Governor

STATE OF OKLAHOMA
DEPARTMENT OF AGRICULTURE

Dennis V. Howard
Commissioner and Secretary

Coy F. Morse
Assistant Commissioner

Charles R. Freeman, DVM
Deputy Commissioner

August 20, 1998

John Couch
Tyson Foods, Inc.
PO Box 2020
Springdale AR 72765

RE: WQC-98-091 (Hudson Complex #13)

Dear Mr. Couch:

Our office has received a follow-up investigative report concerning the above referenced complaint. The report indicates after numerous investigations, the litter has been cleaned up. As a result, it has been determined that no violations exist. We are closing this case with no further actions being taken.

We greatly appreciate your cooperation in cleaning up this matter. Should you have any questions, please contact this office at (405) 521-3864.

Sincerely,

Daniel Parrish
Director
ODA Water Quality Services

c: Clark Harmon, ODA Inspector

BASSETT LAW FIRM

ATTORNEYS AT LAW

P. O. Box 3618

FAYETTEVILLE, ARKANSAS 72702-3618

W.W. "BILL" BASSETT
WOODY BASSETT
TOD C. BASSETT
WM. ROBERT STILL, JR.†
WALKER DALE GARRETT†
CURTIS L. NEBBEN
EARL BUDDY CHADICK
ANGELA M. DOSS†
GARY V. WEEKS†
J. DAVID WALL*
VINCENT O. CHADICK*
JAMES M. GRAVES*†
SCOTT E. WRAY*
SHANNON L. FANT*
PAUL E. THOMPSON, JR.

221 NORTH COLLEGE AVENUE

TELEPHONE (479) 521-9996

TELECOPIER (479) 521-9600

www.bassettlawfirm.com

*ALSO LICENSED
IN OKLAHOMA

†ALSO LICENSED
IN MISSOURI

LINDA DOVER
OFFICE MANAGER

November 25, 2002

RE: George's Commercial Egg
Informal Resolution
File No. : ENF-392-439-1

Via Federal Express

Teena G. Gunter
Attorney
Water Quality Services
Oklahoma Department of Agriculture, Food, and Forestry
2800 North Lincoln Blvd.
Oklahoma City, Oklahoma 73105-4298

RECEIVED

NOV 26 2002

Water Quality
STATE DEPT. OF AGRICULTURE

Dear Teena:

Enclosed please find the original Proposed Informal Resolution of Complaint signed on behalf of George's, Inc. by Mr. Monte Terry. Also enclosed please find a check made payable to ODA in the amount of \$200.00. I trust that you will find that each meets with your approval. I understand that the check will be held until after the December 19th Board meeting. I also understand that after that meeting is over, assuming the enclosed Informal Resolution is accepted by the Board, you will forward a copy of the signed and accepted document to me at this address.

Thank you for your assistance in this matter, and should you have any questions or comments please feel free to contact me at my office.

Sincerely,

BASSETT LAW FIRM


Paul E. Thompson, Jr.

PETjr
Enclosures

OKDA0046102

SUMMARY

**George's Inc.
Springdale, AR**

On November 19, 2002, an informal meeting was held to discuss the alleged violation of the Respondent. This violation was based upon the following:

Failure to use methods suitable and safe for the land application site, failure to perform work according to minimum standards, and failure to ensure employees and other applicators are properly trained regarding poultry waste handling and application. A George's employee improperly land applied poultry waste on land with more than a 15% slope in violation of Oklahoma law.

A recommendation of a fine in the amount of Two Hundred Dollars (\$200.00) was agreed to by the parties. This fine is consistent with fines assessed in similar cases.

In addition, Respondent agrees prospectively to conduct soil tests on each parcel of land scheduled to receive a land application of litter, the soil tests to be conducted, in the same calendar year as the parcel of land is scheduled to receive the application. Lastly, Respondent agrees prospectively to immediately cease accepting payment for any fuel costs incurred in transporting litter to any application sites and will no longer accept any form of payment for costs incurred or as consideration in any form in exchange for the transporting of litter.

The following persons were present at the meeting: Paul Thompson (attorney), James Graves (attorney), Monte Terry, Keith Horne, Alan Lauber for the Respondent; Dan Parrish, Janell Smalts, and Janet Stewart for the Department.

II. ISSUE

The Water Quality Services Division, Oklahoma Department of Agriculture, Food, and Forestry, alleges and states it has reasonable cause to believe that said Respondent has violated Oklahoma Statutes and regulations in the manner and form following.

III. VIOLATIONS

The Water Quality Services Division has identified the following violation of Title 2 O.S. § 10-9.16 et seq. and OAC § 35-17-7-1 et seq., Oklahoma Poultry Waste Applicators Certification Act:

1. Failure to use methods suitable and safe for the land application site, failure to perform work according to minimum standards, and failure to ensure employees and other applicators are properly trained regarding poultry waste handling and application.¹

IV. PENALTIES

These violations carry an Administrative penalty of \$100 - \$10,000 per violation under the provisions of the Oklahoma Agricultural Code. Title 2 O.S. § 2-18(A). Each action or each day a violation continues may constitute a separate and distinct violation.

V. WAIVERS

The Respondent recognizes and understands it has the right to a full, formal evidentiary hearing before the Board or a Hearing Officer on the above allegations and to confront and cross-examine all witnesses and exhibits presented into evidence against it. Respondent further recognizes it has the right to assistance of counsel in any hearing and may call any witnesses or present any exhibits in its own behalf.

The Respondent admits the Oklahoma Board of Agriculture has subject matter jurisdiction and venue on the above complaint.

¹ 2 O.S. § 10-9.21(B)(1)(5) and OAC § 35:17-7-3(c)(3).

The Respondent without admitting the truth of the allegations does not contest the facts and allegations set forth above and does not desire a formal evidentiary hearing on same and hereby voluntarily waives said hearing.

The undersigned is a lawful representative of the Respondent and is acting under its authority and enters into this agreement of its own voluntary act and volition.

VI. AGREEMENT

In settlement of these allegations, Respondent agrees to pay **Two Hundred Dollars (\$200.00)** as full and final settlement of all complaints listed in this Resolution and alleged violations and cost, with the above sum to be paid immediately upon acceptance of this agreement by the Oklahoma Board of Agriculture at its next regularly scheduled public meeting. Respondent may or may not attend the meeting. Respondent also agrees prospectively to conduct soil tests on each parcel of land scheduled to receive a land application of litter, said soil tests to be conducted, in the same calendar year as the parcel of land is scheduled to receive the application. Finally, Respondent agrees prospectively to immediately cease accepting payment for any fuel costs incurred in transporting litter to any application sites and will no longer accept any form of payment for costs incurred or as consideration in any form in exchange for the transporting of litter.

The undersigned representative of the Water Quality Services Division, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this resolution with attachments to the Oklahoma Board of Agriculture. Furthermore, the Respondent understands that the Water Quality Services Division Representative neither possesses the legal power to bind the Oklahoma Board of Agriculture nor can the Water Quality Services Division Representative promise acceptance of this proposed resolution by the Board.

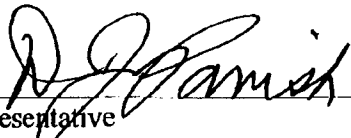
In the event the Board of Agriculture accepts this resolution, the Respondent shall remit the above amount to the Board immediately upon acceptance of the proposed resolution by the Board. Payment in full shall constitute full and complete settlement of the listed complaints and alleged violations.

In the event the Board does not accept this proposed resolution, then the Complainant or Respondent is free to make a counterproposal for the Board's consideration, or the Complainant may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.

WHEREFORE, we enter our hands on this 5th day of December, 2002.

COMPLAINANT:


Water Quality Services Division
Oklahoma Department of Agriculture

By: 
Representative

D.J. Parrish
Director
Water Quality Services Division

RESPONDENT:

George's Inc.
P.O. Drawer G
Springdale, Arkansas 72765-2030

By: 
Representative/Attorney

Monte Terry
General Manager, Commercial Egg Division

OKLAHOMA DEPARTMENT OF AGRICULTURE

CASE REPORT

DATE: January 23, 1998

INVESTIGATOR: James "Sody" Fleming

SUBJECT: Unknown

ALLEGED OFFENSE: Violation of Title 21, Section 1223, Leaving
carcasses in Certain Places Unlawful - Illegal
disposal of dead fowl

COUNTY: Adair

On November 5, 1997 a complaint was made to the Oklahoma Department of Agriculture concerning the dumping of dead chickens in the Westville, OK area. The complaint was made by Dallas Houston, Rt. 2, Box 460, Westville, OK 74965, (918) 723-5627. Mr. Houston stated that approximately one-half pickup load of dead chickens had been dumped along Highway 62 approximately 4 and 1/2 miles west of Westville, OK.

On November 8, 1997 Clark Harmon, Water Quality Division Inspector drove to Westville and interviewed Mr. Houston. He inspected the dump sites (two dump sites are along Wilkerson Hollow Road), and took the photographs (Attachment 5). While talking to Mr. Houston, Inspector Harmon learned that Houston had observed a man in an old red pickup parked by where the chickens had been dumped along Highway 62. Mr. Houston did not get a license tag number.

On December 4, 1997 Dr. Mike Talkington requested assistance from the ODA Investigative Unit and on December 9, 1997 I was assigned the case.

On Tuesday, December 16, 1997 I drove to Westville and contacted Deputy Chuck McConnell of the Adair County Sheriff's office. Deputy McConnell is assigned to illegal dumping in Adair County. We inspected several dump sites including where the chickens were dumped. We also looked for a pickup matching the description of the pickup Mr. Houston saw at one of the dump sites. On December 19, 1997 I met with Inspector Clark Harmon and Deputy McConnell to check more dump sites. While driving in the area of the "Christie Store," near Mr. Houston's place, we observed a pickup matching the description of the truck in question parked near a chicken house. I contacted the owner, a John Holiman, Rt. 3, box 1343, Stilwell, OK. Mr. Holiman stated he worked for Merl Patterson, Proctor, OK (918) 723-5381. He stated he took care of Patterson's chicken house, located approximately 1/4 east of the Christie Store. Holiman stated they dumped their dead birds in a natural hole on the hill adjacent to the chicken house. He stated that sometimes he dumped the deads in a hole next to the

OKDA0046255

chicken house and run over them with a truck to mash them (chickens) in the hole. He also stated that his dogs dragged out what they wanted to eat. While Inspector Harmon and I were interviewing Holiman, Inspector Harmon noted several violations concerning disposal of waste material from the chicken house. He discussed these with Holiman and also stated he would contact Merl Patterson, the owner, concerning the violations.

After interviewing Holiman, I drove to Dellas Houston's house (about one mile). I advised Mr. Houston that I thought I had found the red pickup in question. Houston asked if it was located at Patterson's chicken house. I stated it was. Mr. Houston agreed to go with me to see if he could identify the pickup. Mr. Houston and I drove by the Holiman residence and observed a red pickup matching the description of the vehicle used in the illegal dumping. Mr. Houston stated that's the pickup, yep, that's it. It's even got that pole sticking up in the back of the bed. We drove on by the Holiman residence approximately one-half (1/2) mile to turn around. On the way back by the Holiman residence, after thinking about it, Mr. Houston stated no, the pickup I saw was a Ford and that's a Chevrolet. I advised Mr. Houston that without positive identification I could not file charges on the illegal dumping. Mr. Houston stated again that he believed the pickup he saw by the side of the road was a Ford, but said he would sure be glad to testify if I could find the right pickup.

On January 14, 1998 I received a call from Dellas Houston stating that more chickens had been dumped in the Wilkerson Hollow area. On January 15, I called the Adair County Sheriff's office and asked Deputy David James if he would go to the Wilkerson area and take photographs of the dumped chickens (Attachment 8). Sheriff Charles Hartshorne decided that maybe the still pictures would not be enough evidence and got his video camera and followed Deputy James to the dump site and videotaped the illegal dump (video tape is in Investigative Evidence Locker).

On Tuesday, January 20, 1998 I drove to Westville, OK and accompanied by Deputy Chuck McConnell, spoke with John Holiman. I advised Mr. Holiman that the Legislature had passed a law whereby vehicles used in illegal activities may sometimes be confiscated and that if any more illegal chicken dumping occurred that I had been ordered to proceed with prosecution to the fullest extent of the law.

After speaking to Holiman, Deputy McConnell and I proceeded to the Wilkerson Hollow area and the illegal dump sites. We noticed that someone had effectively blocked both gates going to the dump site by taking a backhoe and digging an approximately four (4) foot deep ditch across each gate. This measure will probably stop the illegal dumping in that part of Wilkerson Hollow.

This is an interview of John Holiman, Rt. 3, Box 1343, Stilwell, OK, employee of Merle Patterson. The time is 2:40 p.m. on December 19, 1997. Interview is being conducted by James "Sody" Fleming, Investigator, Oklahoma Department of Agriculture

Fleming Mr. Holiman, for the record, state your name and address.

Holiman Johnny Holiman, Rt. 3, Box 1343, Stilwell, OK.

Fleming You work for Mr. Patterson taking care of his chickens, is that correct?

Holiman Yes, sir.

Fleming Okay, and you own a red pickup with tag number EPF 597, Oklahoma?

Holiman Yes, sir.

Fleming Okay. We were talking briefly there a minute ago about how y'all disposed of your dead chickens, would you go through that for me again for the purpose of this interview where we can get that established here?

Holiman I throw them out of the chicken house, take them over behind the egg room, put them in a bathtub on an old shit wagon, then when the tub gets full, we take the tractor and haul it up on the hill and put it in a natural hole.

Fleming And this hill is on Mr. Patterson's land, is that correct?

Holiman Mr. Patterson and Mr. Robertson's land both.

Fleming Okay. And y'all never dump, y'all don't ever dump any chickens on the road ways around here? You know how you turn off the road and kind of go out in the woods there and you'll see these old dumps where people have dumped everything in the world from old commodes and bedsprings and everything else, y'all don't ever dump any chickens out like that?

Holiman No.

Fleming Well, the reason I'm asking you this, John, is cause we had a report of a red pickup dumping a load of chickens.

Holiman A red pickup?

Fleming Yeah, like this right here, that kind of a funny colored red, and chickens were being dumped out of

it. I asked you before and for the purpose of this interview, I asked you where Mr. Patterson lived and you say he lives right across the road from the Proctor store?

Holiman Yes, sir.

Fleming How long have you worked for Mr. Patterson?

Holiman A year and two months.

Fleming A year and two months, that's a pretty good while.

Holiman Yeah, since I only made it six months on other jobs.

Fleming Well. Clark, do you have any questions you want to ask? Why don't you come right over here on this side where this will pick it up if you want to ask John any questions?

Harmon Yeah, do you know if he has any waste management plans or pollution prevention plans from NRCS office?

Holiman I don't know. He don't discuss that with me. All he ever tells me to do is pump the chicken house out and put it out there on the hay field.

Harmon And how do you pump this here thing out?

Holiman With that litter truck right there, we take it down there beside the chicken house, there's a pit that sticks out on that side, they got a hose and put it up on that piece on there and vacuum it in and drive it right there near hayfield and throw it out.

Harmon Dump it out?

Holiman And we drive along as we dump it, fertilize the grass.

Harmon And y'all have never had any incinerators or anything for disposal of your dead carcasses?

Holiman Nope. Even when my dad worked here, we hauled them up there and put them in that hole. So I can tell you how long it's been.

Harmon How long has this house been in operation?

Holiman My dad worked here in 84, my uncle worked here in 79, there was two houses here in 79 and 84 and they collapsed and they rebuilt this one. And they rebuilt this one about two to three batches ago and these birds stay in for two years.

Fleming And they're laying hens, is that correct?

Holiman Yes, sir.

Harmon When was the last time y'all changed flocks here?

Holiman It was over the summer.

Harmon In the summer?

Holiman We got these back in, let me think for a minute, July and they've been in here ever since, July of this year.

Fleming Do you want to walk around there and look at that pit where they....

Harmon I'd sure like to.

Fleming Okay, let's walk around there.

Holiman No, we seen you setting over there and we couldn't figure out what in hell was going on.

Fleming Well, that truck was giving us directions on how to come on down through there and get out on 62.

Holiman 62?

Fleming Yeah.

Holiman Go right back out the way you came in.

Fleming Well, we're going to go down through here and wind around on it.

Holiman Red pickup. I tell you who I betcha that is. I wouldn't swear to it but he's got a pickup just like mine and that's uh, god damn it, what's his damn name? If I wasn't trying to think of it I could call it. He raises pullets, goes in these houses, him and his daughter both.

Fleming Where does he live at, John?

Holiman He lives...on around this road

Fleming Yeah.

Holiman You'll come to what they call the twin bridges, there will be a bridge on this road and a bridge on the dirt road that takes off thataway. Well, on this side of it, there's a dirt road that darts off this way, he lives up there.

OKDA0046265

Holiman That's just like with the field man, the field man leaves a message you want to fix something, I can tell him he'll fix my ass out.

Fleming Well, we got...

Holiman But you with that badge on, I can't refuse you from not looking. And he don't understand that. You got to obey the law.

Harmon How many acres have you got to spread this on?

Holiman Well, I'll put it to you this way. We spread from right there that chain link fence right up to that bob wire fence right up there running down the other way, from this post to that fence right over there.

Fleming It's about a...

Holiman Then we take it over here on top of the hill and put it out too.

Fleming About a three acre patch here?

Holiman I don't think that's no three acre patch cause that damn thing made 75 bales the first cutting. An acre made 9 bales.

Fleming Maybe I was...ain't that the fence that I can see right there?

Holiman Yeah, and there's a fence right up there and a fence right there and one there. That's about a...I think the man's deed says it's 25 acres. I said I think, I wouldn't swear to it.

Fleming Well...

Holiman But see he owns this, and there's another little patch right on the other side of that shop, he owns that and then he jumps across the road and he goes up the holler a little ways and then cuts back up the hill, then back over on top of the hill and then back down, then back over, then back up and it goes all the way up on top of that hill, then back over and back down. He comes down behind Uncle Doyle's store down here.

Fleming Okay.

Holiman Then they own some more land down there in Foster, that's about down there half way between here and Foster. We pour our water right out there off the litter, when they clean he sells it for ten dollars a load.

Harmon Is that a fifteen-eighteen hundred gallon?

Holiman Fifteen hundred gallon tank. And you can see the birds there, layers, in cages.

Fleming This interview is taking place at Mr. Holiman's residence which is here adjacent to the chicken house and those present were Mr. Holiman, Sody Fleming, Investigator for the Department of Agriculture and Clark Harmon, ODA Water Quality Inspector. The time is now 2:50 p.m.

WQ Form 1
3/98**RECEIVED****FEB 08 2001**Oklahoma Department of Agriculture
Water Quality ServicesWATER QUALITY
STATE DEPT OF AGRICULTURE**INVESTIGATION REPORT**

1. a. INITIAL (x) 2. CASE NUMBER: WQC-01-83
 b. SUPPLEMENTAL ()
 3. COMPLAINANT Anonymous 4. AGAINST Unknown
 ADDRESS _____ ADDRESS _____

DIRECTIONS: City of Grove and South on Hwy. 10 & 59.

DESCRIPTION OF COMPLAINT: Dead chickens in the streets of Grove and South on Hwy. 10 & 59.

DATE RECIEVED: Jan. 2nd, 2001. Call from Tyler at ODA approx 3:00 P.M. The complainant was anonymous.

INVESTIGATION: Jan. 2nd, 2001 approx 5:30 P.M. I drove through Grove and South on Hwy 10 & 59 approx five(5) miles. It was almost dark I did not see anything.

Wed. Jan. 3rd, 2001, Grove, Ok 7:30 A.M. Saw 2 dead chickens on South Hwy. 10 & 59. Grove City Police and the Hwy. Dept. didn't know anything about it.

Bob Sholl, Grove Bldg. Inspector, saw chickens fall from a Simmons truck. He had Debbie Tanner, Animal Warden Officer pick them up. Visited with Debbie Tanner, She said this was a frequent occurrence. She is only allowed to pick up inside the city limits. I advised her to call me if and when this happens again.

The next morning, Thursday, Jan. 4th, Bob Sholl called. More chickens on the street. The Animal Warden Officer had taken care of it.

Went back to Grove. Debbie Tanner said it was a Simmons truck again.

Went to Simmons home office in Southwest City, Mo. Spoke to Jack Cowgur (Live Production Manager) I explained the complaint ODA had recieved on 1/2/01 and 1/3/01. He immediately sent employees to pick up the chickens on the Hwy. between Grove and Jay. He E-mailed his fieldmen to watch for the problem from their trucks. I told him the crates needed to be fixed so the chickens couldn't fall off. He called the person in charge of picking up live chickens and told him to fix the problem.

I reported my findings to Dan Parrish, Director of Water Quality by phone

Jan. 5th, 2001, I wrote a special thank you note to Jack Cowgur for his prompt attention to this complaint (copy attached).

OKDA0046412

I held the complaint open to see if the problem had been solved.

Jan. 22nd, Debbie Tanner called . More chickens on the street.
I immediately called Jack Cowgur. He assured me that he personally would see that the problem got fixed.

After talking to Mr. Cowgur, I went back to Grove. Talked to City Manager, Richard Ball. Mr. Ball sent a letter to Cowgur's supervisor, Gene Woods, concerning this problem. (copy attached).

This should take care of the complaint.

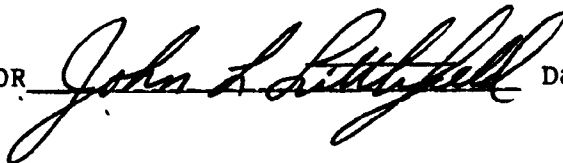
Bob Sholl
Building Inspector
918-786-6707
Grove, Ok

Debbie Tanner
Animal Warden Officer
918-786-6967
Grove Ok

Richard Ball
City Manager
918-786-6107
Grove, Ok

Jack Cowgur
Live Production Manager
Simmons Co
417-762-3001
Southwest City, Mo.





































INSPECTOR

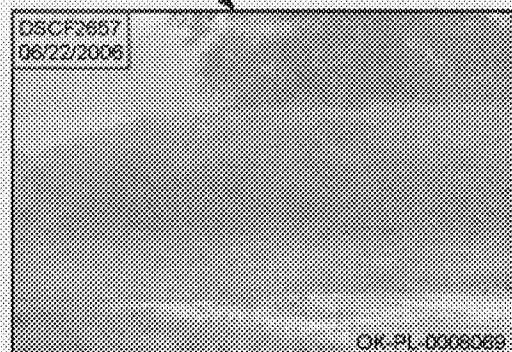
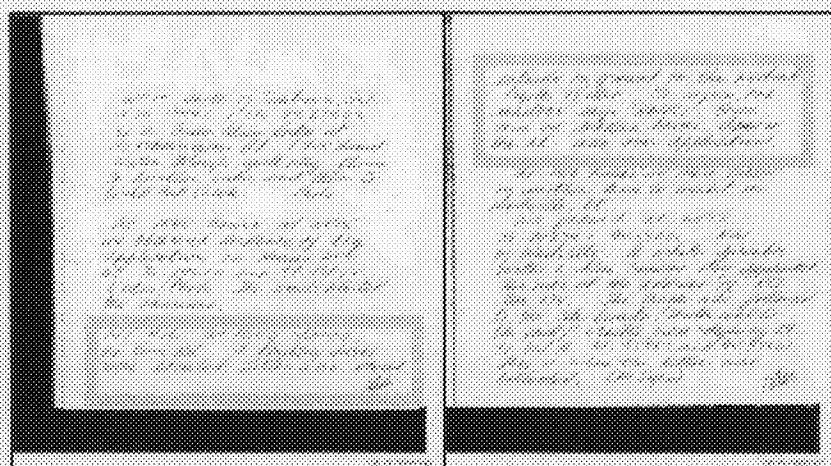


Date

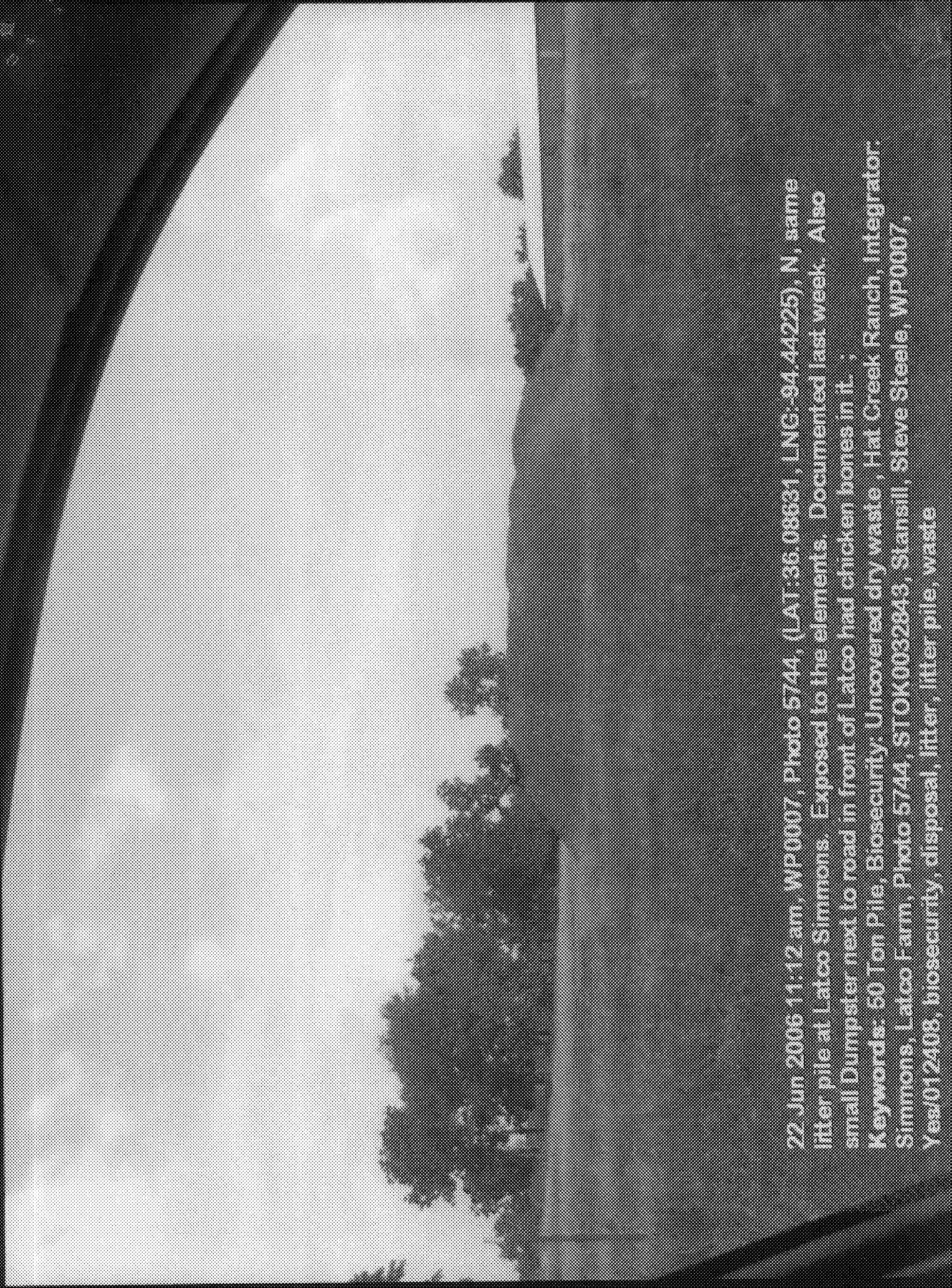




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22 Jun 2006 11:12 am, WP0007, Photo 5744, (LAT:36.08631, LNG:-94.44225), N, same
litter pile at Latco Simmons. Exposed to the elements. Documented last week. Also
small Dumpster next to road in front of Latco had chicken bones in it. ;
Keywords: 50 Ton Pile, Biosecurity: Uncovered dry waste , Hat Creek Ranch, Integrator:
Simmons, Latco Farm, Photo 5744, STOK0032843, Stansill, Steve Steele, WP0007,
Yes/012408, biosecurity, disposal, litter, litter pile, waste

